

REMARKS

This Amendment is submitted simultaneously with filing of a Request for Continuing Examination.

With the present Amendment applicants amended claims 1 and 18, the broadest apparatus and method claims, and also added dependent claims 26-37.

It is respectfully submitted that the new features of the present invention are now disclosed in the prior art applied against the original claims.

Claims 1, 3-5, 8, 12-14, 16-21 are rejected under 35 U.S.C. 102(e) over the U.S. patent to Frees.

The patent to Frees deals with a distributed system for interactive collaboration which can facilitate synchronous and asynchronous communications, take advantage of electronic scheduling tools, support a facilitator paradigm, and store meeting communications for latter retrieval. However, the system disclosed in this reference has nothing to do with exchange of electronic data for optimizing a processing chain and/or a management chain for producing agricultural products, which involves the corresponding components of the system and the steps of the method for providing the above identified optimization.

It is believed to be clear that the new features of the present invention as defined in claims 1 and 18, the broadest system and method claims are not disclosed in this reference.

The original claims were rejected over this reference as being anticipated. In connection with this, it is believed to be advisable to cite the decision in *re Lindenman Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the patent to Frees does not disclose each and every element of the inventive system and method as now defined in claims 1 and 18, and therefore the anticipation rejection should be considered as not tenable and should be withdrawn.

Claims 26-31 and 32-37 define additional components of the system and additional steps of the method, with reference to the corresponding paragraphs of the published patent application 2004/0122894:

- means for remote diagnostic monitoring for machines by respective manufactures (0031);
- means and step for providing weather predictions for planning a use of harvesting machines (0031);
- means and step for providing information for operators of drying plants for planning drying and storage capacity (0032);

- means and step for providing a data exchange between harvesting machines (0033);
- means and step for providing information about product properties and conditions of products to be processed (0034).

Claims 31 and 37 define a group of the components of the system and the steps of the method, each of which can be used in the present invention.

The features of claims 26-37 are also not disclosed in the patent to Frees and therefore the anticipation rejection should be considered as not applicable with respect to these claims. Claims 26-37 should be considered as patentably distinguishing over the art.

As for the other references applied in combination with the patent to Frees, namely the Curkendall and Rothkopf references, they also do not teach the new features of the present invention which are now defined in claims 1, 18, 26-37. The features of these claims can not be derived from these references either taken singly or in combination. In order to arrive at the present invention as defined in the above listed claims it would be necessary to modify the references by including into them the new features which are defined in these claims and were first proposed by the applicant.

However, it is known that in order to arrive at a claimed invention, by modifying the references cited art must itself contain a suggestion for such a modification. This principle has been consistently upheld by the U.S. Court of

Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggestion; it is not a proper use of a patent as a reference to modify its structural to one which prior art references do not suggest.

In view of the above presented remarks and amendments, it is believed that the claims currently on file should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, consisting of several sharp, diagonal strokes followed by a long, sweeping horizontal line that curves slightly upwards at the end.

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